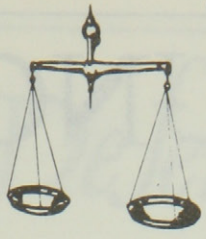


Quid Novi



VOL. VI NO. 8

McGILL UNIVERSITY FACULTY OF LAW
FACULTE DE DROIT UNIVERSITE MCGILL

October 23, 1985
23 octobre, 1985

CENTRE LAUNCHES DICTIONARY

LAW LIBRARY

OCT 24 1985

McGILL UNIVERSITY

by Debbie Raicek

On Wednesday the 16th of October the Quebec Research Centre of Private and Comparative Law launched the first edition of the Dictionnaire de droit privé québécois. This dictionary contains more than 2000 definitions of civil law terms and gives legal linguistic examples of terms that flow together contextually. This dictionary is the first of its kind with respect to the private law of Quebec.

Prof. Paul Crépeau, director of the Centre, stressed the need for this sort of dictionary. Previously one would have to look for French, English or

American works to define the law of Quebec. There was an absence of works of reference we could consult with confidence. "The Oxford and Larousse dictionaries had to be used with circumspection because they don't give juridical accuracy," stated Crépeau. "The Dictionnaire de droit privé québécois is an answer to the problem of contamination of the Quebec Civil Law. This is a problem that all countries with two languages or two juridical systems share," explained Crépeau. Presently, an English dictionary comprising civil law definitions is being planned. This would be an adaptation into English, rather than a direct translation of the existing Dictionnaire de

droit privé québécois to obtain maximum accuracy.

Crépeau stressed that this project was launched from a deep feeling of pride in the Quebec Private Law, and a frustration with the lack of competent reference texts. He hopes this dictionary will reach "the honest man" who seeks knowledge of his rights and obligations in society, and as well, perhaps it will be used in other areas of the world that have a civilian tradition. For those of us here at McGill, the Dictionnaire de droit privé québécois has the potential to be a very effective aid in the study of the Civil Law of Quebec.

L'éthique Biomédicale dans le Contexte Clinique

par Brigitte Catellier

La vie. La mort. Au-delà de la simplicité de ces deux termes règne un univers de conflits. Face aux récents développements scientifiques, médecins, juges, avocats, religieux, philosophes, etc. se questionnent à savoir quelle position prendre sur le moment où commence la vie et celui où l'on situe la mort.

Les tribunaux doivent souvent régler des conflits où la question de vie et de mort est au coeur du problème. Cette intervention judiciaire dans ce domaine autrement et jusqu'ici privé de l'activité humaine est relativement récente. A cause du développement de nouvelles techniques révolutionnaires créées afin de garder les humains vivants, les juges et avocats doivent définir et redéfi-

nir les limites de la vie humaine, de même que les droits attachés à la personne juridique.

Voilà le cadre dans lequel se situera la Conférence sur l'Éthique Biomédicale dans le Contexte Clinique, mercredi, le 30 octobre. Organisée par Forum National, la conférence se déroulera dans le

Cont'd on p. 5

ANNOUNCEMENTS

Law Partners

La première assemblée de tous ceux impliqués dans le programme des Law Partners a eu lieu jeudi le 10 octobre dernier. Le fut une grande réussite. Merci à tous d'être venus.

Nous aimerions profiter de cette occasion pour remercier les étudiants qui, en grand nombre, se sont portés volontaires à titre de law partner.

Si tu es un law partner ou un étudiant de première année qui n'a pas encore eu de nouvelles quant à ton jumelage, tu n'as qu'à laisser ton nom, numéro de téléphone, programme et année au SAO. Nous nous efforcerons de rectifier la situation le plus tôt possible.

**Le comité des
Law Partners**

Law Partners

The Law Partners programme had its first function, a "meet and greet", on Thursday, October 10th, which was a great success. Thanks to all who dropped by.

We must also take this opportunity to thank all the upper year students who have responded with enthusiasm to the call for Law Partners.

Should any first year student or Law Partner still be puzzled as to his/her matching, please leave your name, year, programme, and telephone number at SAO. We will do our best to get back to you as soon as possible.

Law Partners Committee

Talmud Class

If you have ever wondered what Talmud study is, here is an opportunity to find out first hand. Classes will deal with such areas as Contract Law, Tort Law, Family Law and other areas of general interest.

Original texts will be studied in English translation. No background is needed. Classes will be led by Rabbi Z. Silberstein.

Date: Thursday, October 24 and every week thereafter.

Time: 1:00 p.m.

Place: Room 204.

EVERYONE IS WELCOME

Transcript Verification

ABSOLUTELY LAST DAY to verify transcripts. All students (including first years): October 25, 1985.

Lawyers for Social Responsibility

Coming Attractions:

"Hope in the Nuclear Age"

November 8 - 10

Conference co-sponsored by L.S.R./A.F.C.S. and P.S.R. (Physicians for Social Responsibility -- winners of the 1985 Nobel Peace Prize).

Speakers will include: Stephen Lewis, Burns Weston, Linus Pauling and our very own Irwin Cotler and Ivan Vlasic.

Topics to be discussed include: The Legal Process -- Moving towards Peace; Civil Disobedience and Disarmament Activism, and much much more. Not to be missed. For more info see LSR notice board or pick up conference program at SAO.

The Faculty of Law of McGill University will host an INTERNATIONAL CONFERENCE ON DISARMAMENT. The Title: "An Arms Race in Outer Space: Could Treaties Prevent It?" October 30 to November 1 1985, in the Moot Court Room. Admission free for students. For further information call Louise: 392-4632.

McGill Campus Legal Aid Clinic Lecture Series

"Civil Procedure -- A Practical Perspective", with Me. Michael Bergman, B.C.L., LL.B. Wednesday, October 23, 1985 -- 7:00 p.m. in Room 101. All are welcome. Refreshments to be served.

Quotable Quotes

Professor Mass, with respect to a Court of Appeal case decision:

"I don't want to be disrespectful but this decision is outrageous."

Professor Morissette:
"C'est un manslaughter culturel...comme les Rolling Stones chez les soeurs de la charité."

Professor Vlasic:
"When I give you an opinion, I am not the Oracle. I don't want you to follow me blindly. Of course, if you do, you'll never go wrong..."

Swashbuckler Defends Moots

by Michael McGuinty
LL.B II

For as long as I can remember, second year students spend October criticizing the faculty's moot-ing system. It's like the thing to do. For second year class presidents it's become a "cause célèbre" to be championed (this is due, in part, to them having just undergone the Mooting II experience themselves, but it is also largely due to the fact that these little politicians love the opportunity to piggyback a popular cause and portray themselves as daring leaders out on a limb fighting for what they believe in). Well, I can't relate. I think that the way our moots are organized is really perfect.

So being a bit of swashbuckling Errol Flynn-Robinhood kind of guy and seeing that fair damsel of Mooting in distress -- under fire, I can't rest. I'll defend her. Besides, with two factums under my belt, I'm used to being on the impossible side to win.

There's been talk that students feel inadequately prepared for moots, that they know nothing about writing factums. Nonsense. What's there to know? It's simple. The secret is to pick up your problem at five, do it and get it in by five, six nights and seven days later. Factum writing comes naturally. It's like breathing or

walking or hating common law future interests. You just know how to do it.

Surely no one is suggesting that this is something worthy of being taught. Listen, if the faculty thought this was important enough, it would be taught. The way some students are carrying on you'd think legal research and written legal arguments have a place somewhere in the study of law. It's not as if we're expected to know this when we graduate. Don't forget, wherever we article, the firm will hold a month-long seminar on legal research and factum writing, specifically for McGill graduates. There will be films, speakers, coffee and donuts -- it'll be fun. If McGill were to teach this stuff now, what would happen to the seminars? Think about it. Who'd be sorry then?

I've also heard tales that students don't know how to plead. Ridiculous. It's sooo simple. Just wear your best, show up, don't sit down before your lordships, if you chew gum don't blow bubbles, refrain from swearing, plead and win. I mean it's a morceau de gâteau. Frankly, all this oral advocacy business is blown way out of proportion. I mean let's not forget that the secret to effective pleading is good tailoring. Besides, the faculty figures that during our articles we'll probably get a second seminar on or-

al advocacy. If we don't, all we have to do is to take what we learnt in the first place and to write the judge little notes.

I see second year students getting so huffed and puffed over moots. Just because we really don't know how to write a factum, or plead and have to work with poorly written problems, contend with ridiculous deadlines, spend much of our time hunting for misplaced books, fall behind in our course work in the process and generally don't learn as much as we should from such an exercise, doesn't mean there is any room for reform. Besides, don't you think that if there were a better way to organize moots the faculty would jump at the chance? And don't go taking out your frustration on the Moot Court Board. They are students just like you and me getting credits the easiest way they know how. They're doing their best. Granted, their best may not be good enough, but really, can you fault them?

Remember, legal research, written legal argument and oral advocacy skills are not that important anyway. And even if they are, let's face it, we can wash our hands of the whole affair. We're finished with moot-ing. If the first year class wants to change it, let them. We put up with it, so why shouldn't they? Right?

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Editor-in-Chief Debra Raioek
Rédactrice-en-chef

Rédactrice française Diane
French Editor Brais

Associate Editor Lisa
Rédacteur adjointe Steinberg

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Photography Hartland
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News Editor Janet Henchey
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Linda Adams

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EDITORIAL

ET TU BRUTE ?

The LSA's annual budget nights were held this year on October 9 and 10. Unfortunately, the results of these meetings were unsettling and perturbing, and a number of individuals, on both sides of the table, left the scene Thursday night greatly disturbed. The purpose of this commentary is not only to air the grievances and opinions of some of those individuals, but also to propose a number of much needed changes to the budget process.

In an apparent effort to conserve funds and to maintain objectivity, the LSA executive devised a number of arbitrary rules which it then attempted to apply across the board to all groups within the Faculty. These guidelines were not made public prior to the meetings on Wednesday and Thursday nights, and this caught a number of groups unaware ("It was," said one club representative, "like changing the rules in the middle of the game.") Moreover, these rules failed to take notice of, or give recognition to, the fundamental character of the groups involved. Therefore, groups which only invited speakers to attend this Faculty (such as Forum National) were subject to the same restraints as groups which present both speakers and films, and which therefore have access to two of the executive's pools of funds. The problems which resulted from this approach could have been avoided by a number of methods:

- 1) Funding guidelines should be published before the budget meetings are held.

- 2) Groups should be advised of the executive's proposal on funding with sufficient notice so that they may be aware of the hurdles they will be facing.

- 3) Notice must be taken of the different characters of the clubs involved, and of the different activities which they will initiate and undertake.

In a law faculty, of all places, we should be aware of the problems associated with a narrow application of rules, without regard to the spirit of the project.

We also strongly oppose the executive's decision to penalize clubs whose success is now moving their activities outside the narrow range of the Law School. In a faculty previously burdened with apathy, we would have hoped that the LSA would be willing to support and encourage these groups whose initiative and energy have produced a remarkable degree of success. This, however, would not seem to be the case as Censorwatch, Community Affairs and the Law, as well as some of the others had to fight for the funds necessary for their survival. These clubs had to overcome the obstacles posed by a required "head count" of members and of a narrow definition of "benefit to the students". Indeed, the

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L'Ethique Biomédicale Cont'd from p. 1

Moot Court de 10:00 à 12:00
et de 13:00 à 16:00.

Le but de cette conférence est de soulever des questions de fait et de droit qui se présentent dans un contexte clinique lors de la prise de déci-

sion par rapport aux questions de vie et de mort. Les exemples suivants illustrent l'étendue des situations qui surviennent dans ce contexte. Ainsi a) Doit-on autoriser une "chirurgie élective" sur un enfant diagnostiqué comme étant incapable de survivre longtemps? b) Peut-on ou doit-on refuser ou retirer

le traitement de patients qui sont dans un état permanent de vie végétative? c) Relativement aux circonstances entourant la transplantation d'organes, comment déclare-t-on le donneur mort? Avec quel soin et quel moyen peut-on arriver à une telle décision?

Editorial

Cont'd from p. 4

LSA seemed to want to force responsibility for a number of these groups onto other organs. The question is, do we want Forum National to become an adjunct of the Dean's Office? Can we risk losing other organizations to main campus or elsewhere?

Also of issue was the adamant position the LSA took to groups that had money in the bank or "trust funds" such as the Quid Novi and Forum National. The L.S.A. insisted this money be used for present operational expenses not taking into account the problems of capital outlay that organizations such as the Quid for example, face. Again the L.S.A. lacked the sensitivity and astuteness to recognize the "apple and pears" nature of the different organizations with which they were working.

By contrast, the LSA freely allocated funds for parties and amusement. Indeed, the total for social events exceeded the funds given to all the clubs combined. We all agree that school spirit within the Faculty must be promoted, but should we not recognize that it can also be promoted through the clubs? While the executive's emphasis on fund-raising and self-support is admirable, must it not be recognized that certain endeavours are more conducive to fund-raising than others?

Our expectations that the LSA would be willing and indeed proud to recognize and forward the interests and activities of the members of the Faculty were dashed. It is our hope that the LSA executive will re-examine both its purpose and its objective, as well as publicize them so that such disappointments will not be repeated in the future.

In conclusion, we hope that future budget nights will be held in a more professional, informed, and just manner. It is our desire that the LSA will inform the student body as to what exactly it intends to do with the \$1500.00 left over as a result of the "budget slashing". [Furthermore, we hope that these funds are not used to subsidize the freebeer our conservative LSA drank on the 2 nights in question.]

Sandra Stephenson, Secretary-Treasurer, Censorwatch

Dee Prando, Chairperson, Forum National

Debbie Raicek, Editor, Quid Novi

Peter Pamel, General Manager, Quid Novi

Alida Gualtieri, Ombudsperson

Andrea Lockwood, LSA Council Member

Holly Cullen, Chairperson, Community Affairs Committee

Cinq conférenciers ont été invités pour discuter ces questions en expliquant la position de leur profession: Docteur Bernard Leduc, gynécologue-obstétricien à l'Hôpital Notre-Dame, Docteur Dawson Schultz, du Montreal Children's Hospital, Maître Edith Deleury, avocate et professeure de droit (elle donne présentement le cours Contemporary Private Law Problems I qui traite entre autres du sujet de la conférence), Révérend Roger Bolk, Membre du Comité Institutionnel de la Revue de l'Hôpital Royal Victoria, et Ted Keyserlingk de la Law Reform Commission of Canada. Durant la première partie de la conférence, chaque conférencier sera appelé à donner les raisons pour lesquelles l'apport de sa profession au processus de décision par rapport à la vie et à la mort est désirable et nécessaire.

La deuxième partie de la conférence sera dirigée sur les aspects pratiques des problèmes et questions abordés plus tôt. A cette fin, deux (et possiblement trois) études de cas seront utilisés pour amener les conférenciers à débattre et essayer de résoudre des problèmes concrets. Bien sûr, il n'existera pas de bonne réponse à ces cas. Ainsi, à partir de telles considérations pratiques, nous serons plus en mesure d'apprécier la complexité de la question de même que de réaliser les émotions impliquées dans ce problème fondamental de vie et de mort.

WOMEN'S REFERRAL CENTRE

par Brigitte Catellier

Vue de l'extérieur, cette vieille maison victorienne paraît tranquille. Traversez la porte d'entrée, et c'est exactement contraire. Le Centre des Femmes de Montréal bour-

donne d'activité. Dans un coin, une femme informe une cliente; dans un autre coin, on prépare la prochaine édition de la revue Communiqu'Elles; au deuxième étage, il se donne un cours de français, et au troisième étage, un cours

de nutrition. Et dans ce brouhaha incessant certaines essaient de répondre aux téléphones qui sonnent sans arrêt.

La création du Centre des Femmes de Montréal fut réalisée par des membres d'un groupe de femmes qui publiait un journal au début des années 70 au centre-ville de Montréal. Suite à la publication d'articles de type informatif le groupe recevait de plus en plus d'appels de femmes aux prises avec des problèmes de tous ordres, et il devient vite évident que l'accès à une information adéquate constituait un outil important aux femmes afin qu'elles puissent s'aider. Après de nombreuses réunions, le Centre des Femmes de Montréal fut mis sur pied grâce à une subvention dans la cadre du programme de Projets d'initiatives locales et il ouvrit ses portes en janvier 1973.

Le Centre est situé, et a toujours été situé, sur la rue St-Urbain dans le quartier St-Louis. Ce quartier est connu pour le nombre significatif de nouveaux immigrants qui s'y installent lorsqu'ils arrivent au Québec. Par conséquent, le Centre a toujours eu une grande proportion de femmes et familles immigrantes parmi les usagers de ses services, qui comprennent l'aide à l'intégration au milieu québécois et des cours de français. Le Centre est aussi un lieu d'information et de référence (plus de 200 brochures gratuites), un bureau d'aide aux consommatrices, un service de réintégration sur le marché du travail, un service de dépannage, etc.

1985 BUDGET

Revenues

Student Fees	500 x 10.50	5,250	100
Cafeteria		7,000	110
Interest		975	120
Total		13,225	

Expenses

Administration			
Photocopies	500	200	
Supplies	300	210	
Telephone	1,000	220	
Special Events	300	230	
Miscellaneous	300	240	
Total	2,400		

Banquet	200	300	
Social Orientation			
Reserve for 1986/87	2,000	360	
Class Fund	1,300	310	
Library Gift	100	320	
Cals	175	330	
Caded	200	340	
Discretionary Fund	1,496	350	
Total	5,471		

Clubs			
1) LIRG	120	400	
2) Phi Delta Phi	200	410	
3) Legal Aid	625	420	
4) Forum National	200	430	
5) Community Affairs & the Law	500	440	
6) LSA Seminars	150	450	
7) Law Partners	210	460	
8) MILS	500	470	
9) Criminal Law Group	105	480	
10) Censorwatch	259	490	
11) Careers Day	125	500	
12) LSR	650	510	
13) Women & the Law	660	520	
14) Canada Law Games	900	530	
Total	5,204		

Special Grant 85/86			
Dal Library Gift	150	600	

Total Expenses	13,225		
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ON EXAM NUMBERS AND ANONYMITY: PART 1

by Richard Dermer

The exam number. Every student in the McGill Faculty of Law knows it simply as an administrative method of identifying a student without the student having to identify her or his name on an examination paper. The exam number is nice and simple. It preserves anonymity. It also guarantees fairness in marking by the professor. But wait; perhaps the exam number is not so simple. Perhaps it is worth taking a look behind the meaning and spirit of the exam number and the way it is ultimately treated by the administration.

Ostensibly, it is clear that much of the motivation behind the exam number was to assure the student that her/his examination was being graded in complete anonymity. As the professors would not know whose exam they were marking, presumably all exams would be graded on an equal footing. Further, the "creators" of the exam number obviously realized that this system would assure the student that the professor could not exercise any personal bias in her/his marking. Finally the exam number would also serve as a useful method of stemming competitiveness amongst law students as it would be impossible for students to identify their colleagues when marks were posted.

It think that all would agree that for the above reasons, there certainly were some good intentions behind the creation of the exam number, but nevertheless something has always bothered me about its existence. At the beginning of

my first year, I could not understand why such numbers existed. I suspect that many of my colleagues spent all of their years in University and CEGEP identifying themselves by their given names on their papers and examinations. I certainly never felt ashamed of writing my name on any of my work and was willing to do the same at law school. So why the existence of these numbers?

I clearly remember asking many of my upper-year colleagues why such exam numbers existed. In short, many of my fears were confirmed; the exam number existed not only because of the positive reasons listed above, but because of a negative feeling that existed. Most of my colleagues replied that they perceived that although exam numbers existed ostensibly to preserve student anonymity, their real existence could be attributed to the sorry state of the faculty-student relationship at McGill Law School. In essence, after attending this Faculty of Law for a period of time, it certainly becomes conceivable that much of the need for the exam number stemmed from a lack of trust between students and different members of the Faculty.

Thus the exam number is perhaps no more than the unfortunate personification of a regrettable situation existing within the McGill Faculty of Law. Certainly, in a "utopian" faculty, it could be said that there would be no need for exam numbers; the professors would all care for the students and respect their ideas, while the students would trust the professors to treat and grade them

fairly. Obviously such a "utopian" faculty could not exist anywhere, but is it not depressing that our faculty has to resort to exam numbers in order to assure the student that she/he is being graded fairly, and perhaps to prevent an outbreak of student accusations against faculty members? I am fairly sure that most other faculties in universities survive without the use of the exam number. Does this not lead us to wonder whether more attention should be given to the amelioration of the student-faculty relationship?

Of course, it is impossible to conclude exactly why the exam number exists in our faculty. I believe that it probably was created for a combination of both the positive and negative reasons mentioned above. Even if the exam numbers' existence is due only to the "positive" reasons listed earlier, the mere fact that some students perceive that the exam number is a necessity in law school due to a bad relationship between students and faculty constitutes a problem in itself. From this, it can surely be said that many students feel uncomfortable in their relationship with faculty members. Undoubtedly, this is most unfortunate and I certainly wish that more attention could be given to this matter in the faculty. Thus, although the exam number at first glance seems no more than a trivial administrative process in the life of a law student, perhaps in fact it more deeply represents a problem that exists in the faculty. A problem that should be treated.

CHANCELLOR: Day & Night

by Debbie Raicek and
Lisa Steinberg

High finance, fame and, of course, the depths of despair all feature as integral parts of the plot this week on Chancellor: Day & Night. We open at the O.K. Corral (better known as the library reference desk). There we observe two muters having a shoot out over an obscure statute. Muters are characters with a contract exclusive to Chancellor Day & Night. They are cultivated by the Cartel (that international power-wielding group of men and women) to play in an ancient tribal ritual known as "Name-that-Case" or charades for the legal minded as a form of public entertainment.

The plight of the muters

is pale compared to the happenings two floors below. On the infamous second floor, yes indeed, the very same floor where the Cartel (that international power-wielding group of men and women) holds its meetings, the Law Scrooge Association hands down its budget. While Christmas might have come early, the presents were certainly sparse. When Grinch, the Law Scrooge Association treasurer, was accused of stealing Christmas he replied, "It's just a job. A man's gotta do what a man's gotta do." Revolutionary President Little Big Chief shrugged her shoulders and said, "Let them eat cake". The natives were far from happy.

Meanwhile, contract

problems have arisen between Professor Winterville and Chancellor: Day & Night since she was seen moonlighting on an intellectual (so, obviously, very different type) of T.V. show in which she gave expert information on that hysteria-causing disease called Aids.

Join us next week when Prof. Winterville returns to the cast of Chancellor: Day & Night. Revel with us as she brings with her Jagger, Bowie, Madonna, and the rest for a special Live Aid Benefit for the victims of the Scrooge Regime.

Stay tuned for Chancellor: Day & Night.

...Coming Soon...

Women's Referral Centre Cont'd from p. 6

Le Centre se fait également l'intercesseur des citoyens(es) et maintient des dossiers d'information concernant plusieurs domaines, dont l'assurance-chômage, l'aide sociale, l'aide juridique (trois étudiantes de McGill y travaillent à raison de deux heures par semaine chacune), les allocations familiales, les pensions, les allocations de maternité,

la Régie du logement, la Protection de la jeunesse, les allocations de garderie et divers lois et programmes gouvernementaux.

Le financement du Centre est fourni en partie par les ministères de l'Immigration fédéral et provincial. De plus, depuis 1978, Centraide reconnaît que le Centre des Femmes est un centre pour femmes au niveau régional et a alors commencé à lui fournir un financement de base. L'effectif du Centre

comprend 15 employés et un nombre toujours croissant de bénévoles (on en comptait plus de 450 en 1983).

Le Centre des Femmes de Montréal s'est développé considérablement depuis sa première de fonctionnement. Le Centre recevait alors 6000 appels et visites; en 1983 il a reçu 30,000 appels et 14,000 visites. Après 12 ans d'existence, un fait est maintenant évident: le Centre des Femmes est le plus important centre du genre au Canada.